

REMARKS/ARGUMENTS

Claims 19-22, 25, 26, 30, 33, 35, 36, 41-54, 56, 57, 59, 62-65, and 68 are pending in this Application.

By this Amendment, claims 19, 41, and 63 are currently amended. Applicants respectfully submit that support for the claim amendments can be found throughout the specification and the drawings.

Claims 19-22, 25, 26, 30, 33, 35, 36, 41-54, 56, 57, 59, 62-65, and 68 remain pending in the Application after entry of this Amendment. No new matter has been entered.

In the Office Action, claims 19-22, 25, 26, 30, 33, 35, 36, 41-49, 52-54, 56, 57, 59, and 62-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,194 (hereinafter “Joao”), in view of U.S. Patent No. 5,765,140 (hereinafter “Knudson”), and in further view of U.S. Patent No. 6,289,340 (hereinafter “Puram”). Claims 50, 51, and 68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao, in view of Knudson, in view of Puram, and in further view of U.S. Patent No. 7,069,229 (hereinafter “Richardson”).

Claim Rejections Under 35 U.S. C. § 103(a)

Applicants respectfully traverse the rejections to claims 19-22, 25, 26, 30, 33, 35, 36, 41-54, 56, 57, 59, 62-65, and 68 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Joao, Knudson, Puram, and Richardson.

To reach a proper determination under 35 U.S.C. § 103(a), the Examiner must step backward in time and into the shoes worn by the hypothetical “person of ordinary skill in the art” when the invention was unknown and just before it was made. In view of all factual information, the Examiner must then make a determination whether the claimed invention “as a whole” would have been obvious at that time to that person. (M.P.E.P. § 2142). “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to

have been obvious in light of the teachings of the references.” Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicants respectfully submit that Joao, Knudson, Puram, and Richardson, either individually or in combination, fail to disclose one or more of the claim limitations recited in each of claims 19-22, 25, 26, 30, 33, 35, 36, 41-54, 56, 57, 59, 62-65, and 68. These differences, along with other difference, establish that the subject matter as a whole of claims 19-22, 25, 26, 30, 33, 35, 36, 41-54, 56, 57, 59, 62-65, and 68 would not have been obvious at the time of invention to a person of ordinary skill in the art.

For example, Applicants respectfully submit that Joao, Knudson, Puram, and Richardson, either individually or in combination, fail to disclose or suggest the limitation of “automatically updating the digital portfolio of the hired contractor in response to approval of the collected performance information with new skill level information obtained on the project for the hired contractor and one or more new skills obtained on the project by the hired contractor determined from the collected performance information, whereby the digital portfolio resume includes current information for the contractor for matching with an additional staffing requirement for an additional project before completion of the project, such that the digital portfolio for the hired contractor remains current with skill, experience, and review information for the hired contractor, the performance” as recited in amended claim 1.

The Office Action acknowledges on page 6 that contractor information in Joao is updated “after each job.” In contrast, amended claim 1 recites that a digital portfolio of a hired contractor is automatically updated with new skill level information obtained on the project for the hired contractor and one or more new skills obtained on the project by the hired contractor determined from collected performance information such that the digital portfolio includes current information for the contractor for matching with an additional staffing requirement for an additional project before completion of the project. (Emphasis added). Moreover, Joao fails to disclose or suggest that contractor information is automatically updated in response to approval of collected performance information with new skill levels and new skills determined from the

collected performance information before completion of the project as recited in amended claim 1.

Knudson, Puram, and Richardson further fail to cure the above deficiencies of Joao. The Office Action relies on Knudson on page 4 for alleged teachings related to “periodically updated information.” The Office Action suggests that Knudson teaches “that the time sheets are a tool used to update user profiles.” Yet, Knudson, Puram, and Richardson do not disclose or suggest that a digital portfolio of a hired contractor is automatically updated with new skill level information obtained on the project for the hired contractor and one or more new skills obtained on the project by the hired contractor determined from collected performance information such that the digital portfolio includes current information for the contractor for matching with an additional staffing requirement for an additional project before completion of the project as recited in amended claim 1. (Emphasis added).

Accordingly, Applicants respectfully submit that Joao, Knudson, Puram, and Richardson fails to disclose each and every claim limitation as recited in amended claim 1. Applicants further respectfully submit that none of the cited references cure the above-discussed deficiencies of Joao, Knudson, Puram, and Richardson, and thus, amended claim 1 is allowable over the cited references.

Applicants respectfully submit that the other independent claims are allowable for at least a similar rationale as discussed above for the allowability of claim 1, and others. Applicants respectfully submit that the dependent claims that depend directly and/or indirectly from the independent claims, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further respectfully submit that the dependent claims recite additional features that make the dependent claims allowable for additional reasons.

Unless otherwise specified, amendments to the claims are made for the purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof.

While Applicants do not necessarily agree with the prior art rejections set forth in the Office Action, these amendments may be made to expedite issuance of the Application.

Appl. No. 09/742,458

PATENT

Amdt. dated February 9, 2010

Amendment under 37 CFR 1.116 Expedited Procedure

Examining Group 3624

Applicants reserve the right to pursue claims to subject matter similar to those pending before the present Amendment in co-pending or subsequent applications.

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PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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